

Does Your Construction Site Need a Storm Water Permit?

A Guide to Wisconsin Erosion Control and Storm Water
Management Permit Requirements



Do I have to get permit coverage?

Since March 10, 2003, federal law has required that landowners of construction sites with one acre or more of land disturbance obtain construction site storm water permit coverage to address erosion control and storm water management. Except within Indian Country, the Department of Natural Resources (DNR) has been delegated by the United States Environmental Protection Agency (USEPA) to implement the federal storm water program in Wisconsin.

On August 1, 2004, the DNR received authority under revised ch. NR 216, Wis. Adm. Code, to require landowners of construction sites with one acre or more of land disturbance to obtain permit coverage. Landowners need to submit an application called a Notice of Intent (NOI) to request coverage under the Construction Site Storm Water Runoff General Permit No. WI-S067831.

NOTE:

- The Wisconsin Department of Transportation (WisDOT) authorizes (under ch. Trans 401, Wis. Adm. Code) storm water discharges of WisDOT directed and supervised transportation construction projects.
- The Department of Commerce (Commerce) authorizes permit coverage for construction of public buildings and places of employment regulated under s. Comm 61.115, Wis. Adm. Code, and s. 101.1205, Wis. Stats.

Projects which have received authorization from WisDOT or Commerce for construction site storm water discharges are exempt from the requirement to submit an NOI to the DNR pursuant to s. NR 216.42 (4) and (5), Wis. Adm. Code.

Why is stormwater runoff bad?

Polluted runoff is now regarded as the largest remaining pollution threat to Wisconsin's waters.



Tracking of sediment onto roadways leads to contamination of our lakes and streams.

Runoff from rainstorms and snowmelt picks up pollutants like sediment, oil and grease, nitrogen and phosphorus, and other chemicals and carries them into storm sewers or directly into waterbodies. Preventing contamination of storm water is critically important or polluted runoff will be discharged — untreated — into the waterbodies we use for swimming, fishing, and drinking water. Most storm sewer systems do not provide significant treatment to the water they collect.

Why is sediment harmful to a waterbody?

Too much sediment in a waterbody can cloud the water and make it difficult or impossible for aquatic plants to receive the sunlight they need to grow. Excess sediment also smothers aquatic habitat, clogs

fish gills, and impedes navigation in our waterways, which can lead to expensive dredging.



All construction sites disturbing 1 acre or more (with few exceptions) need storm water permit coverage!

Does your construction project disturb one acre or more of land through clearing, grading, excavating, or stockpiling of fill material? Remember to count the acreage of the entire project, even if the project is phased with less than one acre disturbed at any given time.

If you answered “yes” to this question, YOU NEED PERMIT COVERAGE! There are a few land-disturbing construction activities such as agricultural cropping practices that do not require permit coverage and they are listed within s. NR 216.42, Wis. Adm. Code. **If the landowner doesn’t have proper permit coverage, they could be fined up to \$10,000 per day!**

I need permit coverage. Where do I start?

1. Does WisDOT, Commerce or DNR authorize storm water construction site permit coverage?

- a. If the project is a transportation construction project that is directed and supervised by WisDOT, then WisDOT will authorize coverage of the project in accordance with ch. Trans 401, Wis. Adm. Code. Many local transportation projects are not directed and supervised by WisDOT, and in those cases, DNR will authorize permit coverage.
- b. If the construction project involves construction of a **public building** or **place of employment** (commercial building) project, then Commerce may authorize coverage of the project in accordance with s. Comm 61.115, Wis. Adm. Code. The Commerce Notice of Intent form (SBD 10376) is available at:

<http://www.commerce.state.wi.us/SB/SB-DivForms.html#commercial>.

Note: For commercial developments where land disturbing activity occurs (e.g. rough site grading of a multi-lot development, road construction or installation of public utilities) permit coverage is needed from DNR for the period until building constructions begins. Before construction of the building starts, coverage from Commerce will need to be obtained. **Thus, some commercial development projects require coverage from both DNR (for the initial construction phase) and Commerce (for the building construction phase).**

If the construction project is not regulated by WisDOT or Commerce, then DNR will authorize coverage of the project under subch. III of ch. NR 216, Wis. Adm. Code. DNR storm water forms, technical standards and staff contacts are available via the storm water management web site at

<http://dnr.wi.gov/org/water/wm/nps/stormwater.htm>.

2. Read the WPDES Construction Site Storm Water General Permit

You can download a copy of this permit at:

<http://dnr.wi.gov/org/water/wm/nps/stormwater/constrforms.htm>

Read the permit carefully, and remember that landowners are legally responsible for complying with all of its provisions.



3. Who Submits an NOI & Develops the Plans?

The “landowner” submits the Notice of Intent (NOI) form. The landowner means any person holding fee title, an easement or other interest in property that allows the person to undertake land disturbing construction activity on the property.

It is the responsibility of the landowner to develop and implement site-specific erosion control and storm water management plan(s) and to maintain all best management practices (BMPs) in accordance with the plans from the start of land disturbance until permit coverage is terminated. BMPs are the structural and non-structural measures, practices, techniques or devices (buffers, silt fences, detention ponds, swales, etc.) employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

4. Develop Erosion Control and Storm Water Management Plans

The erosion control plan details how you will control sediment and other pollutants on the construction site by implementing erosion and sediment control practices throughout the duration of the construction until the project is completed and the site is stabilized from erosion. These practices include sediment ponds, tracking pads, silt fence, temporary seeding, mulching and more.

The storm water management plan will include BMPs such as wet ponds, infiltration structures, grass swales, vegetative filter strips and vegetative buffers to control runoff from the site after construction is completed.

Because every site is unique, erosion control and storm water management plans must be customized to site-specific conditions. The erosion control and storm water management plans must be completed *before* the landowner files an NOI.

The plans must meet construction and post-construction performance standards of ch.

NR 151, Wis. Adm. Code. (For information see <http://dnr.wi.gov/org/water/wm/nps/admrules.htm>.)

You don’t have to submit the plans with your NOI to obtain permit coverage, unless specifically requested to submit the plans for review. However, the plans must be available on-site for review during an inspection.

The plans may need to be updated to accommodate changes in design or if the proposed plan is not effective in controlling pollutants.

The DNR maintains a list of erosion control and storm water management technical standards that can be downloaded from its web site at <http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm>. These technical standards were developed to assist landowners and contractors in developing an erosion control and storm water management plans required under ss. [NR 216.46 and 216.47, Wis. Adm. Code](#).

The landowner is required to develop a long-term storm water maintenance agreement that is to be finalized prior to submitting the NOI to the DNR. It is important to establish the person(s) that will be responsible for long-term maintenance of the storm water management treatment devices after the construction project is completed.

The Basic Erosion and Sediment Control Principles Are Simple:

- ♦ Divert stormwater away from disturbed or exposed areas of the construction site.
- ♦ Install BMPs to control erosion and sediment and manage storm water.
- ♦ Inspect the site regularly and properly maintain BMPs, especially after rainstorms.
- ♦ Revise the plans as site conditions change during construction and improve the plans if BMPs are not effectively controlling erosion and sediment.
- ♦ Keep the construction site clean by putting trash in trash cans, keeping storage bins covered, and preventing or removing excess sediment on roads and other impervious surfaces.

5. File a Notice of Intent

Submission of the Notice of Intent (NOI) is required to obtain construction site storm water permit coverage from either Commerce or DNR. It is also your certification that you have read, understand, and will implement erosion control and storm water management plan(s) in accordance with the conditions of the agencies' requirement.

The landowner must submit a [Construction Site Notice of Intent form](#) to the Commerce or DNR at least 14 working days before construction begins. Coverage occurs automatically 14 working-days after Commerce or DNR receive the NOI unless the applicant is notified by DNR or Commerce to the contrary. Commerce and DNR may ask to review the plans and may withhold coverage to review erosion control and storm water management plans and evaluate concerns with wetlands, endangered and threatened species and historic property concerns. It is recommended that the NOI be submitted as early as possible (but after appropriate erosion control and storm water management plans have been developed) in order to allow additional time in the event that site-specific concerns are identified that could require plan changes. The DNR requires that an NOI fee be paid as follows:

Acres of Land Disturbance	Application Fee
Less than 5	\$ 140
5 or more and less than 25	\$ 235
25 or greater	\$ 350

The Commerce Notice of Intent form (SBD 10376) is available at:

<http://www.Commerce.state.wi.us/SB/SB-DivForms.html#commercial>.

6. Implement the Erosion Control and Storm Water Management Plans

Remember to follow your erosion control plan and update it as appropriate. All erosion and sediment control BMPs must be inspected and maintained regularly. Inspections are required at least once every 7 days and within 24 hours after a rain event of 1/2-inch or more. BMPs must be repaired or replaced as appropriate. Remember to keep records of your maintenance activities and any plan modifications at the construction site and available for review during agency inspection.

7. File a Notice of Termination

The landowner must terminate permit coverage when:

- the project is completed and the project area is stabilized from erosion (generally, when 70% of the density of the vegetation is established on unpaved areas), or
- the property has been sold to another landowner (the new landowner will need to file an NOI to obtain permit coverage as appropriate).

The Notice of Termination form notifies the authorizing agency that your construction project is complete and that you are requesting termination of permit coverage. Until permit coverage is terminated, your responsibility to comply with the permit, including weekly inspections, continues to be required. The DNR form can be obtained at:

<http://www.dnr.state.wi.us/org/water/wm/nps/stormwater/constrforms.htm>

The Commerce Notice of Termination form (SBD 10520) is available at:

<http://www.Commerce.state.wi.us/SB/SB-DivForms.html#commercial>.

DNR REGIONAL STORM WATER CONTACTS (By County)

Current as of May 2006. See <http://dnr.wi.gov/org/water/wm/nps/stormwater/contact.htm> for updates.

NORTHERN REGION (NOR)

Ashland	Douglas	Rusk	Ellen Granquist (715) 395-6907 1401 Tower Ave. Superior, WI 54880
Barron	Iron	Sawyer	
Bayfield	Polk	Taylor	
Burnett	Price	Washburn	
Florence	Langlade	Oneida	Bill Jaeger (715) 365-8971 Rhineland Service Center 107 Sutliff Ave. Rhineland, WI 54501
Forest	Lincoln	Vilas	

NORTHEAST REGION (NER)

Brown (except Oneida Indian Reservation)			Cheryl Bougie 2984 Shawano Avenue, PO Box 10448 Green Bay, WI 54307-0448 (920) 662-5441
Kewaunee	Manitowoc		
Brown (Oneida Indian Reservation for non-Indian activities)			Mark DeBaker 2984 Shawano Avenue, PO Box 10448 Green Bay, WI 54307-0448 (920) 662-5124
Marinette	Oconto	Shawano	
Menominee	Outagamie		
Door	Fond du Lac		Gus Glaser 2984 Shawano Avenue, PO Box 10448 Green Bay, WI 54307-0448 (920) 662-5461
Calumet	Green Lake	Waushara	
Marquette	Waupaca	Winnebago	Jennifer Huffman 3369 W. Brewster St. Appleton, WI 54914-1602 (920) 832-1803

WEST CENTRAL REGION (WCR)

Adams	Jackson	Monroe	Brad Johnson 5301 Rib Mountain Dr. Wausau, WI 54401 (715) 359-2872
Buffalo	Juneau	Portage	
Clark	La Crosse	Trempealeau	
Crawford	Marathon	Vernon	
Chippewa	Pepin	St. Croix	Jim Devlin 890 Spruce St. Baldwin, WI 54002 (715) 684-2914
Dunn	Pierce	Wood	
Eau Claire			

SOUTH CENTRAL REGION (SCR)

Columbia	Green	Richland	Bruce Moore 3911 Fish Hatchery Rd. Fitchburg, WI 53711 608-275-3205
Dane	Iowa	Rock	
Dodge	Jefferson	Sauk	
Grant	LaFayette		

SOUTHEAST REGION (SER)

Kenosha	Walworth	South Milwaukee	Pete Wood 9531 Rayne Road Suite 4 Sturtevant WI 53177 262-884-2360
Racine	Washington	Waukesha	
Western Milwaukee River Basin: Western Milwaukee Co Washington County City of Milwaukee			Jim Ritchie 2300 N Martin Luther King Drive Milwaukee WI 53212 414-263-8586
NE Milwaukee Basin Sheboygan River Basin: Ozaukee County Sheboygan County Nearshore Milwaukee County			Susan Eichelkraut 2300 N Martin Luther King Drive Milwaukee WI 53212 414-263-8682

DEPARTMENT OF COMMERCE CONTACTS:

Lynita Docken 608-785-9349
Erosion Control: Brian Ferris 608-785-9335
Stormwater Management: Brad Johnson 920-492-5605

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